



November 16, 2020

Chairman Michael Khouri & Commissioners

Federal Maritime Commission

800 North Capitol Street, N.W

Washington, D.C. 20573

RE: REQUEST FOR SUSPENSION OF DETENTION & DEMURRAGE AT
SAN PEDRO BAY AND NEW YORK/NEW JERSEY PORTS

Honorable Commissioners:

On behalf of the undersigned trade associations representing importers, exporters, and their supply-chain partners, we respectfully ask you to explore all available powers and authority to immediately suspend detention and demurrage charges, which are being unfairly and unreasonably assessed in the Ports of Los Angeles and Long Beach, as well as the Port of New York & New Jersey by ocean carriers and marine terminals. Collectively, our members have paid well over \$150 million in unreasonable detention and demurrage charges this year in the twin Southern California ports and the port of New York & New Jersey due to the massive congestion created by record setting volumes, coupled with a shortage of both skilled labor and available chassis. We believe the assessment of detention and demurrage in this situation goes against the heart of the Interpretive Rule on Demurrage and Detention which the Commission issued last year.

In Southern California, the "Pool of Pools" chassis agreement has been massively oversubscribed, leading to the biggest chassis shortage in the history of the San Pedro Bay port complex. Despite efforts by the shipping and trucking industry to promote more dual-transactions to allow chassis to be recycled during the pick-up and drop-off of containers, the ocean carriers have refused to provide advanced notification of empty receiving locations to allow truckers and marine terminals to partner on increasing dual-transactions throughout the port complex. In a letter sent to the Ports of Los Angeles and Long Beach, dated August 25, 2020, a similar coalition of 40 organizations requested ocean carriers to provide at least 48 hours advanced notice of empty receiving locations and for marine terminals to guarantee those appointments. Thus far, no ocean carrier has been willing to provide truckers and shippers with the data necessary to mitigate the challenges in the San Pedro Bay. Subsequent one on one meetings between coalition members and ocean carriers yielded no tangible results and a refusal to help solve these issues.



Chassis shortages have also reached critical mass at the Port of NY/NJ, where dwell times have nearly tripled in recent weeks. Restrictions on empty returns imposed by ocean carrier alliances further exacerbate the problem, with containers redirected at the whim of steamship lines, resulting in additional truck trips for motor carriers as they are forced to reposition equipment to locations other than the point of origin, for no additional compensation, but rather, at their own expense of time and labor.

In addition, due to the shortage of skilled ILWU labor, ocean carriers have fallen woefully short of their obligation to evacuate empty containers from marine terminals to create more space on their docks. Meanwhile, they have continued to unload loaded import containers creating congestion at the terminals. This has resulted in restrictions by marine terminals further thwarting the ability to terminate empty containers or pickup imports during the allotted free time. Also, ocean carriers are canceling export bookings leading to further trade deficits and creating hardships for American exporters.

The trucking community servicing the San Pedro Bay ports are working diligently to maintain cargo fluidity, however through no fault of the truckers or their customers, the hurdles to do so have become insurmountable and there looks to be no consideration or reprieve from the detention and demurrage charges that shippers and truckers cannot avoid. The restrictions on empty container returns, created by empty-in appointments and ocean carriers exceeding their empty allocations on terminal, have created an increase in demurrage due to the inability to free up chassis via an empty container termination or dual transaction impeding the ability to perform single import container pickups.

In the short term, we again ask for a suspension of these unreasonable detention and demurrage charges in the Ports of Los Angeles, Long Beach, New York & New Jersey due to current conditions and the lack of adoption of the FMC interpretive rule guidelines, which would have helped mitigate these issues. We would further ask that the Commission review and disallow carriers from filing or collecting any surcharges for congestion, trucking or equipment for moving in and through these ports until they have made a constructive action to remedy the problems.

In the long-term, we ask the FMC to use the interpretive rule on detention and demurrage as a template for rulemaking. The lack of participation by the ocean carriers is glaring, and the commercial and operational benefits they were afforded through the shipping alliances have created commercial and operational hardships for the rest of the supply-chain.



We all know that the COVID-19 pandemic has created disruption throughout the supply chain. However, as the U.S. economy and companies continue to recover, they should not have to be worried about congestion and additional costs that will further impact their businesses and recovery efforts. We must work collectively to address these systemic issues, which the FMC is well aware of through previous investigations. The FMC must take action to support the interests of U.S. companies and consumers to ensure that the carriers are not imposing unfair costs on American exporters, importers or consumers.

Respectfully,

Harbor Trucking Association
 California Trucking Association
 American Trucking Association
 Intermodal Carriers Conference
 Agriculture Transportation Coalition
 National Retail Federation
 Gemini Shippers Group
 American Cotton Shippers Association
 Association Food Industries
 Association of Bi-State Motor Carriers
 Autocare Association
 California League of Food Producers
 California Retailers Association
 CAWA
 Coalition of New England Companies for Trade
 Columbia River Customs Brokers & Forwarders Association
 Customs Brokers & International Freight Forwarders Association of Washington State
 Customs Brokers and Forwarders of Northern California
 Dairy Farmers of America
 Fashion Accessories Shippers Association
 Fashion Jewelry & Accessories Trade Association
 Footwear Distributors and Retailers of America
 International Association of Movers
 International Housewares Shippers Association, Inc.
 Juvenile Products Manufacturers Association
 Leather & Hide Council of America
 Los Angeles Customs Brokers & Freight Forwarders Association
 Meat Import Council of America
 National Hay Association
 National Industrial Transportation League
 National Union Association
 NCBFAA
 NCBFAA Shippers Association, Inc.
 New Jersey Motor Truck Association
 North American Meat Institute
 NY/NJ Foreign Freight Forwarders and Brokers Association
 Pacific Coast Council of Customs Brokers and Freight Forwarders Associations. Inc.



Pacific Northwest Asia Shippers Association
 Retail Industry Leaders Association
 San Diego Customs Brokers Association
 Specialty Soya & Grains Alliance
 Tea Association of the U.S.A., Inc.
 Toy Shippers Association, Inc.
 Transportation Intermediaries Association
 Travel Goods Association
 U.S. Forage Export Council
 United Fresh Produce Association
 USSA Global
 Wine and Spirits Shippers Association Inc.

Cc:

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